

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS CRUZ-VARGAS,

Defendant.

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CASE NO. 1:10-CR-0023

OPINION & ORDER
[Resolving [Doc. No. 19](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant Carlos Cruz-Vargas, sentenced to 30 months imprisonment in May 2010 for illegal reentry after deportation, moves this Court, pro se, for a reduction of his sentence. [[Doc. 19](#).]

On January 20, 2010, a grand jury indicted Cruz-Vargas under 8 U.S.C. § 1326, on one count of illegal reentry after his deportation for sexual conduct with a minor. [[Doc. 6](#).] On March 3, 2010, Cruz-Vargas pled guilty to illegal reentry. [[Doc. 14](#).] This Court sentenced the Defendant to 30 months imprisonment, followed by three years supervised release, on May 18, 2010. Cruz-Vargas was then remanded to the custody of the United States Marshal to begin serving his sentence. [[Doc. 17](#); [Doc. 18 at 2](#).] On November 1, 2010, Cruz-Vargas filed the instant petition, arguing that this Court should consider amendments to the U.S. Sentencing Guidelines, effective November 1, 2010, that Cruz-Vargas says could reduce his 30-month sentence. [[Doc. 19](#).]

Because “a sentencing judge loses jurisdiction over a prisoner once he has begun to serve his

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sentence[,]” this Court is without jurisdiction to consider Cruz-Vargas’s motion. Rodger v. White, No. 89-5720, 1990 WL 95624, at *4 (6th Cir. July 11, 1990) (citing United States v. Adams, 362 F.2d 210, 211 (6th Cir. 1966) and Stone v. United States, 295 F.2d 241 (6th Cir. 1961)). Though a sentencing judge retains jurisdiction to correct an illegal sentence, Rodger, 1990 WL 95624 at *4, n. 4, Cruz-Vargas does not argue that his sentence was illegally imposed. Rather, Cruz-Vargas’s motion appears to request a discretionary reduction of his sentence. [Doc. 19 at 2.] Accordingly, this Court does not have jurisdiction to consider the request and **DENIES** Cruz-Vargas’s motion.

IT IS SO ORDERED.

Dated: January 18, 2011

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE